REMARKS

Claims 1-6 are all the claims pending in the application. By this Amendment, Applicant cancels claim 7 and editorially amends claims 1-6. The amendments to claims 1-6 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1-6 were not made for reasons of patentability.

In addition, Applicant adds claims 8-15. Claims 8-15 are clearly supported throughout the specification *e.g.*, Fig. 1 and pages 3-4 of the specification.

Preliminary Matters

Applicant thanks the Examiner for indicating acceptance of the drawings filed on September 22, 2003.

Also, Applicant thanks the Examiner for returning the initialed form PTO/SB/08 submitted with the Information Disclosure Statement filed on September 22, 2003.

Finally, the Examiner is respectfully requested to acknowledge Applicant's claim to foreign priority and to indicate receipt of the certified copy of the Priority Document filed on September 22, 2003. A search of the Image File Wrapper on the USPTO Pair website confirms the receipt of the certified copy of the Priority Document as filed on September 22, 2003.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-7 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication No. 2003/0118015 to Gunnarsson (hereinafter "Gunnarsson"). Applicant respectfully traverses this rejection in view of the following comments.

Of these rejected claims, only claims 1 and 6 are independent. Independent claims 1 and 6 include some variation of detecting presence of the WLAN by receiving signals broadcasted by WLAN with a radio receiver associated with said mobile data terminal and which is adapted to receive signals broadcasted by the WLAN. The Examiner alleges that claim 1 is directed to communication method and claim 6 is directed to the communication system and are anticipated by Gunnarsson.

Specifically, the Examiner alleges that Gunnarsson's mobile terminal 60 is equivalent to the mobile data terminal set forth in claim 1 and that Gunnarsson's wireless computing device 70 is equivalent to the radiotelephone terminal set forth in claim 1 (*see* page 2 of the Office Action). The Examiner further alleges that detecting the presence of the WLAN by receiving signals broadcasted by the WLAN is disclosed in ¶ 20 of Gunnarsson. Applicant respectfully disagrees.

Gunnarsson is not different from the prior art techniques disclosed in Applicant's specification. That is, in Gunnarsson a mobile terminal 60 (a cellular phone), which communicates with a wireless communication network such as a TIA/EIA/IS-2000 network determines the presence of the WLAN connection (¶ 19). Specifically, using this wireless communication network, the user location is determined vi the mobile terminal 60 (¶¶ 20 and 22). Then, in Gunnarsson, the user location is compared to the known location and extent of

WLANs 20, the location of the WLAN 20 may be stored in various databases and other information resources within the communication network 10 (¶ 22).

Accordingly, Gunnarsson fails to teach or suggest at least the detecting of the WLAN by receiving signals broadcasted by the WLAN. That is, Gunnarsson fails to teach or suggest at least determining in real-time the presence of WLAN. In other words, in Gunnarsson, since the WLAN information is stored in a place such as a database, if the WLAN is broken, the user will still be informed about the presence of WLAN. Moreover, since in Gunnarsson the mobile terminal receives the information via cellular network, if the cellular network is not available, then information about WLAN cannot be obtained. In short, in Gunnarsson, the determination is not made based on the signals broadcasted by the WLAN.

Further, in Gunnarsson, the mobile terminal 60 cannot be equated to the mobile data terminal as set forth in claim 1 (*see* page 2 of the Office Action) at least because the mobile terminal 60 cannot receive signals broadcasted by the WLAN's access point. In other words, the mobile terminal 60 communicates in the wireless communication 10 such as TIA/EIA/IS-2000 (¶ 19). In Gunnarsson, the mobile terminal 60 cannot communicate in the WLAN environment and cannot receive the signals broadcasted by the WLAN's access point.

In addition, in Gunnarsson, the searching WLAN action results from a notification of the mobile terminal (item 60), which wake up the "wireless computing device" to begin searching for WLAN. As the user moves out the of the range of a WLAN 20, the wireless computing device 70 shuts down its WLAN interface 72 (¶ 23). That is, in Gunnarsson, since the

communication is via mobile terminal 60, the searching for the WLAN is not periodically executed by the wireless computing device *i.e.*, having the WLAN interface active at all times.

Therefore, detecting presence of the WLAN, by receiving signals broadcasted by WLAN, with a radio receiver associated with said mobile data terminal and which is adapted to receive radio signals broadcasted by the WLAN as set forth, in some variation, in claims 1 and 6 is not taught or suggested by Gunnarsson, which lacks at least detecting the presence of the WLAN by receiving signals broadcasted by the access point of WLAN and which lacks having the mobile terminal 60 recognize signals of WLAN's access point. For at least these exemplary reasons, claims 1 and 6 are patentably distinguishable from Gunnarsson. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1 and 6 and their dependent claims 2-5 and 7.

New Claims

In order to provide more varied protection, Applicant adds claims 8-15. Claim 8 is patentable at least by virtue of its recitation of "a mobile data terminal detecting presence of the WLAN by identifying the radio signals broadcasted by the WLAN" and its recitation of "upon user request, [the mobile data terminal] accessing internet via the detected WLAN." Claims 9-14 are patentable at least by virtue of their dependency on claim 8. Claim 15 is patentable at least by virtue of its dependency on claim 1.

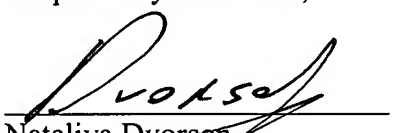
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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